

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 11, 2006**

AGENDA ITEM NO: 5

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: REZONING – Federal Hill Historic District, R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District & B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential.

RECOMMENDATION: Approval of the requested rezoning.

SUMMARY: The Planning Commission is petitioning to rezone the Federal Hill Historic District and other adjacent properties from R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District and B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District. The purpose of the rezoning is to allow continued use of residences as single-family homes and prevent further conversion of the existing historic structures into two-family dwellings. Any residing property owner wishing to add a second dwelling unit would be able to do so provided the presence of the second unit was not obvious from the exterior of the residence. Existing two-family and apartment units would be allowed to remain as "nonconforming" uses; however, these uses would not be allowed to be enlarged or expanded. Ninety-Four percent (94%) of the structures located in the rezoning area are currently being used for single-family uses.

The Federal Hill Historic District Association conducted a neighborhood meeting on April 10, 2006. City Staff was in attendance at the meeting and answered questions relating to the rezoning. Representatives from the neighborhood addressed the Planning Commission on April 26, 2006. At this meeting the Planning Commission directed City Staff to initiate proceedings necessary to rezone the area. Under Virginia law, in order to justify a downzoning, there must have been a substantial change in circumstances since the previous zoning. City Staff is of the opinion that there has been substantial change in the circumstances since the previous zoning. Historically, the number of dwelling units that has been allowed in the Federal Hill Historic District has gradually decreased. For example in 1960 the area was zoned for multi-family uses; then in 1978 the majority of the properties were changed to two-family. Despite the multi-family and two-family zoning applied to the properties, the area has developed and remained with single-family uses as the majority. In order to achieve the goals of the *Comprehensive Plan* and to prevent any future destabilization of the neighborhood, the Planning Division recommended rezoning the area to R-2, Low-Medium Density, Single-Family Residential District. The Planning Commission recommended approval of the rezoning because:

- Petition agrees with the *Comprehensive Plan* which recommends Traditional Residential uses for this neighborhood.
- Petition agrees with the Zoning Ordinance in that an R-2, Low-Medium Density, Single-Family Residential District, better represents the evolving character of the neighborhood.

PRIOR ACTION(S):

May 24, 2006: Planning Division recommended approval of the rezoning.

Planning Commission recommended approval (7-0) of the rezoning with the removal of the Frank Roane Apartments at 900 Federal Street.

FISCAL IMPACT: N/A

CONTACT:

Tom Martin/ 455-3909

ATTACHMENT(S):

- Ordinance
- PC Report
- PC Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Rezoning Area
- Property Owners
- Supporting Documents Submitted by FHHDA
- Speaker Sign-Up sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA IN THE FEDERAL HILL HISTORIC DISTRICT, R-3, MEDIUM DENSITY, TWO-FAMILY RESIDENTIAL DISTRICT, R-4, MEDIUM HIGH DENSITY, MULTI-FAMILY RESIDENTIAL DISTRICT AND B-5, GENERAL BUSINESS DISTRICT TO A R-2, LOW-MEDIUM DENSITY, SINGLE-FAMILY RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76._____, which section shall read as follows:

Section 35.1-76._____. Change of a certain area in the Federal Hill Historic District, R-3, Medium Density, Two-Family Residential District, R-4, Medium- High Density, Multi-Family Residential District and B-5, General Business District to a R-2, Low-Medium Density, Single-Family Residential District.

The area embraced within the following boundaries . . .

1114 to 1115 Jackson Street, 1115, 1118 Federal Street and 809 Harrison Street.

. . . is hereby changed from R-3, Medium Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District and B-5, General Business District to a R-2, Low-Medium Density, Single-Family Residential District.

And the Director of Community Planning and Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

073L

The Department of Community Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: May 24, 2006

Re: **REZONING – Federal Hill Historic District, R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District & B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential**

I. PETITIONER

City of Lynchburg Planning Commission

Representative: Tom Martin, AICP, City Planner, Planning Division, 900 Church Street, Lynchburg, VA 24504

II. LOCATION

The subject property is a tract of approximately twenty-three and seven tenths (23.7) acres located in and adjacent to the Federal Hill Historic District.

Property Owner: A list of property owners and parcel identification numbers is included as Attachment 4.

III. PURPOSE

The purpose of this petition is to rezone the Federal Hill Historic District and other adjacent properties from R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District and B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends Traditional Residential uses for this neighborhood.
- Petition agrees with the Zoning Ordinance in that an R-2, Low-Medium Density, Single-Family Residential District, better represents the evolving character of the neighborhood.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Traditional Residential uses for the Federal Hill Historic District and surrounding area. The Traditional Residential designation is applied to the City's older neighborhoods; those "generally built before World War II and before the City was zoned. Because they predate the City's Zoning Ordinance, the lot sizes, setbacks, and/or building heights do not conform to the standards of the City's residential zoning districts." (page 5.6) Areas designated Traditional Residential may eventually be subject to different zoning regulations than the standard suburban-style developments in other parts of the City. The *Comprehensive Plan* recommends adopting a "Traditional Neighborhood" overlay or zoning district to regulate these areas and encourage appropriate infill development.

The *Comprehensive Plan* also recognizes, Federal Hill as a Neighborhood Conservation Area. These areas face challenges of reinvestment and rehabilitation. "Some homes are very large wood structures over 3,000 square feet in size. The cost of rehabilitating and maintaining these large homes may deter some potential home buyers and investors. Other houses are very small, less than 1,000 square feet, and not as attractive to families as larger suburban homes.

Conversion of some homes in Neighborhood Conservation Areas to rental units has resulted in their gradual deterioration. Citizens in public meetings have expressed concerns about the negative effects poorly maintained, deteriorating, vacant and abandoned homes within their neighborhoods... Maintaining the existing housing stock and encouraging public and private investment that supports neighborhood character is critical to neighborhood stabilization." (page 4.17)

The Comprehensive Plan also recognizes that the Federal Hill area has been designated as a local, state and federal historic district.

These designations in the *Comprehensive Plan* – Traditional Residential, Neighborhood Conservation Area and Historic District – support the rezoning of the Federal Hill area in order to support the continued investment in and rehabilitation of single-family homes, to preserve the character of the neighborhood and to maintain property values.

2. **Zoning.** The subject properties have been zoned for multi-family uses since 1930. The current R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District and B-5, General Business District were established in 1978 with the adoption of the City's current Zoning Ordinance. Despite the multi-family and commercial zoning, ninety-four percent (94%) of the structures have single-family land uses.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - 1/11/83, City Council approved the CUP petition of United Methodist Church for a fellowship hall at 900 Jackson Street.
 - 4/12/88, City Council approved the CUP of Eighth Street Baptist Church for a forty (40) space parking lot at Federal and Eighth Streets.
 - 9/12/89, City Council approved the CUP petition of the City of Lynchburg for the College Hill Recreation Center at 809-811 Jackson Street.
 - 4/10/90, City Council approved the CUP petition of W. L. Saunders for a bed and breakfast at 1101 Jackson Street.
 - 8/14/91, City Council approved the CUP petitions of Craddock-Terry, Inc. for parking lots at 1001-1017 Madison Street and 1118-1120 Harrison Street.
 - 5/13/92, City Council approved the CUP petition of Thomas D. Hughes for a bed and breakfast at 1102 Harrison Street.
 - 11/08/94, City Council approved the CUP petition of Philip and Ann Ripley for a bed and breakfast at 1101 Federal Street.
 - 2/13/01, City Council approved the CUP petition of Trudi and Dennis Malik for a bed and breakfast at 1115 Federal Street.
 - 4/09/02, City Council approved the CUP petition of Lynchburg Community Action Group for a single-family dwelling at 1118 Polk Street.
5. **Site Description.** The subject property includes the existing Federal Hill Historic District, four (4) properties (1114-1115 Jackson Street and 1115, 1118 Federal Street) adjacent to the southern boundary of the Historic District and one (1) property (809 Harrison Street) that is located at the northeastern boundary of the Historic District. The four (4) properties located at the southern boundary are adjacent to Twelfth Street but are isolated from it due to steep topography. The one

(1) property located at 809 Harrison Street has been included in the rezoning at the request of the property owner.

6. **Proposed Use of Property.** The purpose of the rezoning is to allow continued use of residences as single-family homes and prevent further conversion of the existing historic structures into two-family dwellings. Any residing property owner wishing to add a second dwelling unit would be able to do so provided the presence of the second unit was not obvious from the exterior of the residence. Existing two-family and apartment units would be allowed to remain as "nonconforming" uses. However these uses would not be allowed to be enlarged or expanded.
7. **Traffic and Parking.** The City's Traffic Engineer had no comments of concern regarding the petition. Rezoning
8. **Storm Water Management.** N/A
9. **Emergency Services.** The City's Fire Marshal had no comments on the rezoning petition.

The City Police Department had no concerns with the proposed rezoning. The Police Department is supportive of encouraging home ownership in the City's neighborhoods.

Impact. The petition proposes to rezone the Federal Hill Historic District and select adjacent properties in order to create an environment that supports the pattern of owner-occupied, single-family residences that has remained throughout the years. As indicated in the City's *Comprehensive Plan*, the City supports improvements to the housing stock in this neighborhood because Federal Hill is a Historic District, is indicated as a Traditional Residential Area and is designated as a Neighborhood Conservation Area. The goal is to stabilize the area for the benefit of the property owners and the City. The existing zoning in the area is not supportive of the *Comprehensive Plan* or the vast majority of housing types existing in the area. Therefore, as outlined in the *Comprehensive Plan*, it is time to reconsider the zoning districts applied to this neighborhood.

The four (4) properties adjacent to the southern boundary of the Historic District have been included due to their isolation from Twelfth Street due to steep topography. A portion of one (1) is currently located within the boundaries of the Historic District. It would not be good zoning or planning practice to allow these properties to remain zoned for commercial and two-family uses since the only means of access is thru the Federal Hill Historic District. The one (1) property located at 809 Harrison Street has been included at the request of the property owner.

Federal Hill was designated a Local Historic District in 1978 and is also included on the State and National Register of Historic Places. Ninety-Four percent (94%) of the structures located in the rezoning area are currently being used for single-family uses.

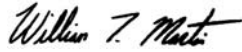
The Federal Hill Historic District Association conducted a neighborhood meeting on April 10, 2006. City Staff was in attendance at the meeting and answered questions relating to the rezoning. Representatives from the neighborhood addressed the Planning Commission on April 26, 2006. At this meeting the Planning Commission directed City Staff to initiate proceedings necessary to rezone the area.

Under Virginia law, in order to justify a downzoning, there must have been a substantial change in circumstances since the previous zoning. City Staff is in the opinion that there has been a substantial change in the circumstances since the previous zoning. Historically, the number of dwelling units that has been allowed in the Federal Hill Historic District has gradually decreased. For example in 1960 the area was zoned for multi-family uses; then in 1978 the majority of the properties were changed to two-family. Despite the multi-family and two-family zoning applied to the properties, the area has developed and remained with single-family uses as the majority. In order to achieve the goals of the *Comprehensive Plan* and to prevent any future destabilization of the neighborhood, the Planning Division recommends rezoning the area to R-2, Low-Medium Density, Single-Family Residential District.

VI. PLANNING DIVISION RECOMMEND MOTION:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the rezoning of the Federal Hill Historic District and properties located at 1114-1115 Jackson Street, 1115, 1118 Federal Street and 809 Harrison Street from R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District & B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District to support the goals and objectives of the Comprehensive Plan and to allow the continued use of the residential properties as single-family homes.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, Director of Engineering
Capt. Michael L. Thomas, Fire Marshal
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. J.P. Stokes, Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mrs. Erin B. Hawkins, Environmental Planner
Mr. Neil W. Bohnert, Federal Hill Historic District Association

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
(see attached map)
- 2. Vicinity Proposed Land Use**
(see attached map)
- 3. Rezoning Area**
(see attached map)
- 4. Property Owners**
(see attached owners)
- 5. Supporting Documents submitted by FHHDA**
(see attached documents)

MINUTES FROM THE MAY 24, 2006 PLANNING COMMISSION MEETING

Consideration of rezoning properties contained within the Federal Hill Historic District and 1114 and 1115 Jackson Street and 1115 and 1118 Federal Street which are immediately adjacent to the southern boundary of the Federal Hill Historic District from R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District and B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District. The proposed rezoning would prohibit the future conversion of existing structures or the construction of new structure for two-family, multi-family or commercial purposes. Existing two-family, multi-family and commercial uses will be allowed to remain as nonconforming uses.

Mr. Martin told the Planning Commission that on April 24, 2006, representatives from the neighborhood addressed the Planning Commission requesting that the Planning Commission initiate the rezoning of this property. He said that at that same meeting, the Planning Commission directed City staff to start the necessary proceedings to rezone the property. He said that currently, the property was zoned as a mixture of R-3, Two-Family, R-4, Multi-Family, and B-5, General Business District. He also said that there were several parcels that were outside the historic district boundary that had been included in the rezoning because they were adjacent to Twelfth Street but had no access to it. He noted that the only other means of access for these areas was through the historic district. He said that the other property at Harrison Street had been included at the request of the property owner in the district. He explained that, under Virginia law, in order to justify down zoning, there must have been a substantial change in the circumstances since the previous zoning. He said that since the early 1960's, the property had been zoned for multi-family uses. He explained that in 1978, with the adoption of the city's current zoning ordinance, a portion of the area was down zoned to R-3, Two-Family District. He said that, despite the Multi-Family and Two-Family District zoning, well over ninety (90) percent of the structures in the district were being used for single-family occupancy. He noted that this was in compliance with the Comprehensive Plan, which recommended a neighborhood conservation area and a traditional residential neighborhood for the property. He concluded by saying that the Planning Division recommended the approval of the rezoning and fully supported, complimented, and encouraged the neighborhood residents for taking the necessary steps to protect their neighborhood.

Neil Bohnert spoke in favor of the rezoning. He told the Planning Commission that he was representing a number of residents of the historic district that were in the audience. He said that there were eighty-six (86) properties that were supposed to be rezoned, and that eighty-one (81) of those were in the historic district and that five (5) were adjacent to the historic district, but not included in it. He added that four (4) of the properties that were at the south end of Federal Street and Jackson Street were at dead ends and were very isolated, and that the remaining parcel was on Harrison Street, which was owned by an owner in the Federal Hills Historic District. Mr. Bohnert noted that ninety-four (94) percent of the structures in the rezoning were single-family units, that there were fifteen (15) vacant lots with only four (4) of the structures being multi-family, and that there were nine (9) unoccupied structures. He said that the zoning was consistent with the Comprehensive Plan, which encouraged that the historic district be persevered. He stated that rezoning to R-2 would return the neighborhood to its historic heritage. Mr. Bohnert informed the Commission that the residents had notified ninety-seven (97) addresses of a public meeting that was held on April 10, 2006. He said that the residents had also circulated a petition, and that out of one hundred four (104) owners, fifty-five (55) had signed in favor of the rezoning, which was fifty-three (53) percent, and noted that there were eighteen (18) owners that they were not able to find. Mr. Bohnert told the Commission that he would be pleased to answer any questions that they might have.

Chair Hamilton asked for all those who were present and agreed with Mr. Bohnert to please stand and be recognized.

Eleven (11) people stood in support of the request for rezoning.

Ms. Irma Seiferth, Executive Director of the Lynchburg Covenant Fellowship spoke to the Commission. Ms. Seiferth stated that she did not know whether she was opposed to or approved of the petition. She noted that it depended on what it did for her organization, and they did not participate in the petition signing. She said that Lynchburg Covenant Fellowship was a nonprofit organization that was established in 1950. She added that Frank Roane School was an asset and a major investment in the Federal Hill neighborhood, even though it received much opposition in 1979 from the surrounding residents. Ms. Seiferth pointed out that the neighborhood's main concern was that the apartment building would bring too much rental into the area since it was already saturated with rentals that were not being cared for. She added that the school building was constructed in 1889 and many years later had been slated for demolition by the City. She explained that the structure had been saved by Lynchburg Covenant Fellowship, who had a positive and long history of providing low-income housing in the central city area. Ms. Seiferth said that Frank Roane School was rehabbed and occupied in 1980, and was made up of twenty-six (26) one- (1) and two- (2) bedroom elderly units, which did not comply with the request. She said that the Lynchburg Covenant Fellowship did not want to approve anything that could prevent them from making the best decisions for their nonprofit organization in the future. She said that her organization represented a substantial tax base in the community.

Mr. Bohnert explained to the Planning Commission that he had discussed the issue of the Lynchburg Covenant Fellowship with Mr. Martin. He said that the surrounding residents were not opposed to removing that parcel from this request.

Mr. Martin told the Commission that if the Frank Roane Apartments were down zoned to R-2 as the petition proposed, they would be allowed to remain as they currently exist, but could not be enlarged or expanded in any way. He said that if they were vacated for a period of two (2) years with no intent to reoccupy or if they were converted back to a single-family use, then they would no longer be allowed to be occupied as apartments. He continued by saying that if the apartments were destroyed by fire or by some other natural act, they would not be allowed to be rebuilt as rental units. Mr. Martin said that the Frank Roane building was an asset to the Federal Hill neighborhood, but if it were destroyed, it would be highly unlikely that a building of that magnitude would be reconstructed. He noted that it would be better to include the building in the long-term planning of the neighborhood.

Commissioners Worthington and Sale, and Chair Hamilton all voiced their support of the petition with the compromise of removing the Frank Roane Apartments from the request.

After further discussion, Commissioner Worthington made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the rezoning of the Federal Hill Historic District and properties located at 1114-1115 Jackson Street, 1115, 1118 Federal Street and 809 Harrison Street from R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District & B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District to support the goals and objectives of the Comprehensive Plan and to allow the continued use of the residential properties as single-family homes. This rezoning would not include the property at 900 Federal Street."

AYES:	Bacon, Barnes, Flint, Hamilton, Oglesby, Sale, Worthington	7
NOES:		0
ABSTENTIONS:		0
ABSTEN:		0

FEDERAL HILL
Rezoning from R-3, R-4 & B-5 to R-2

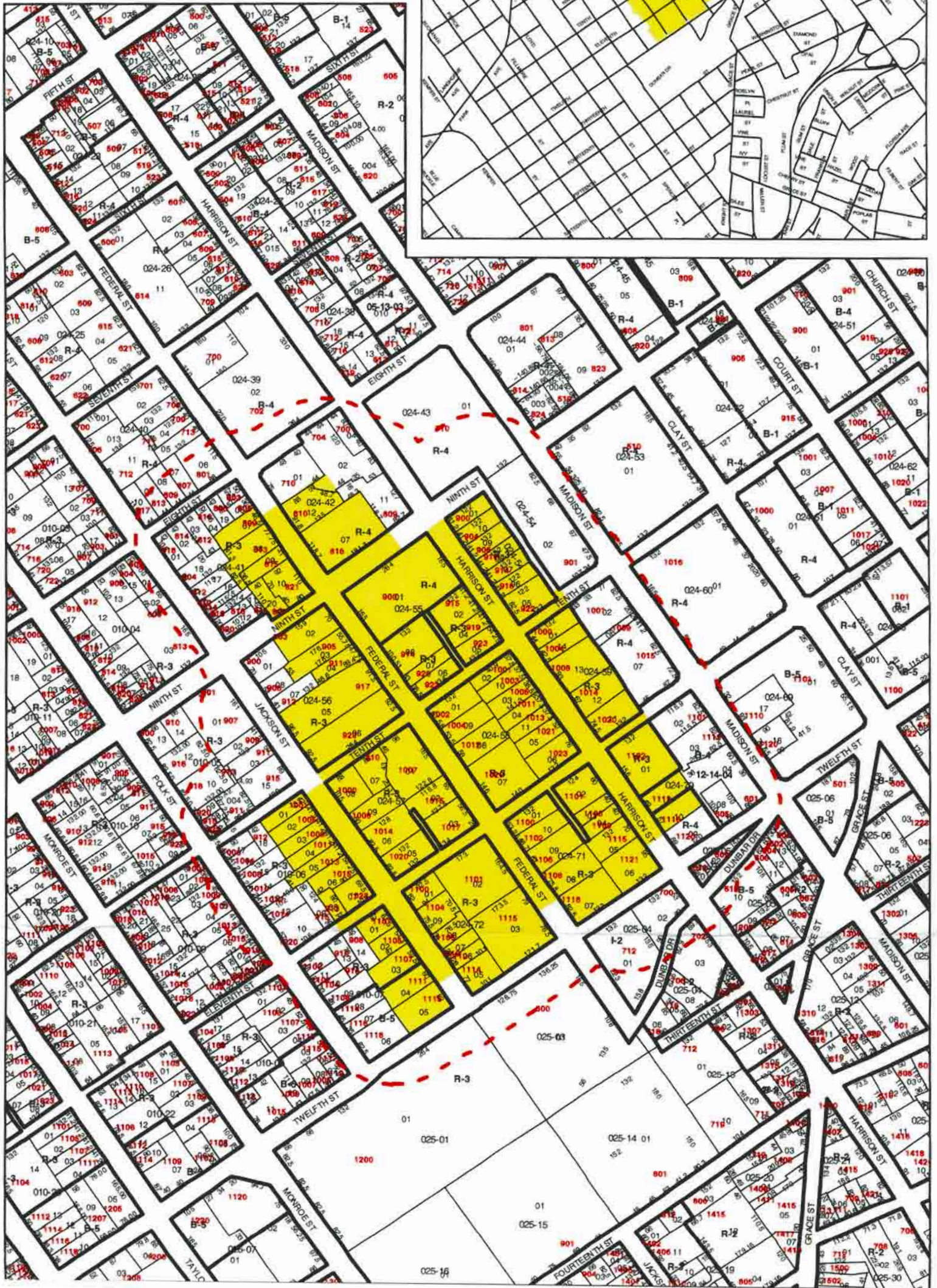
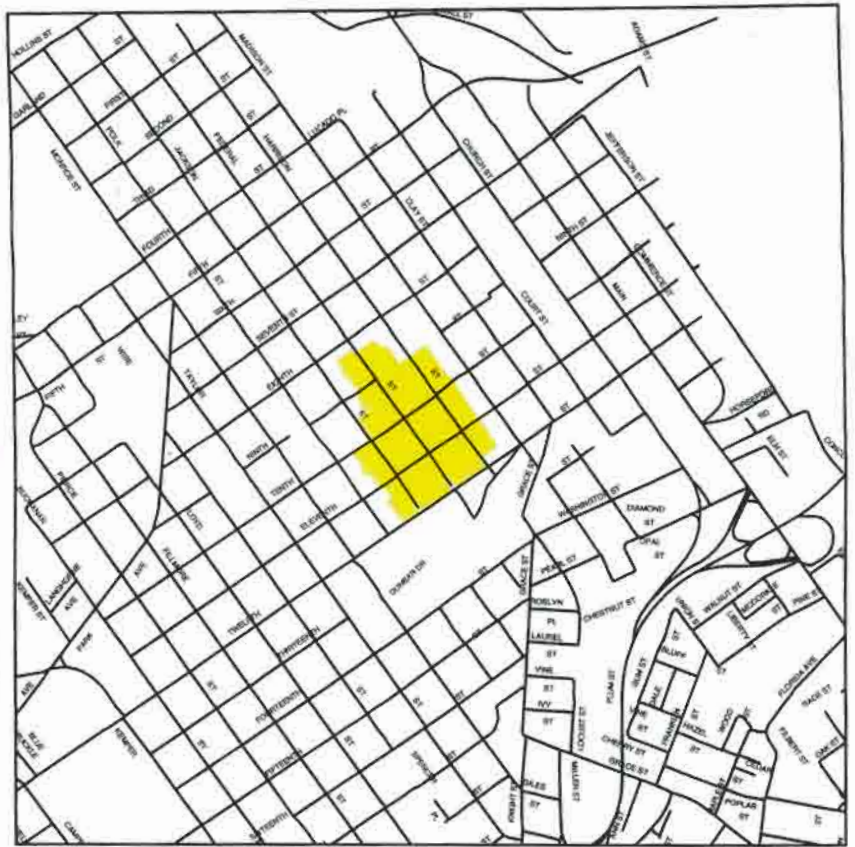
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THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

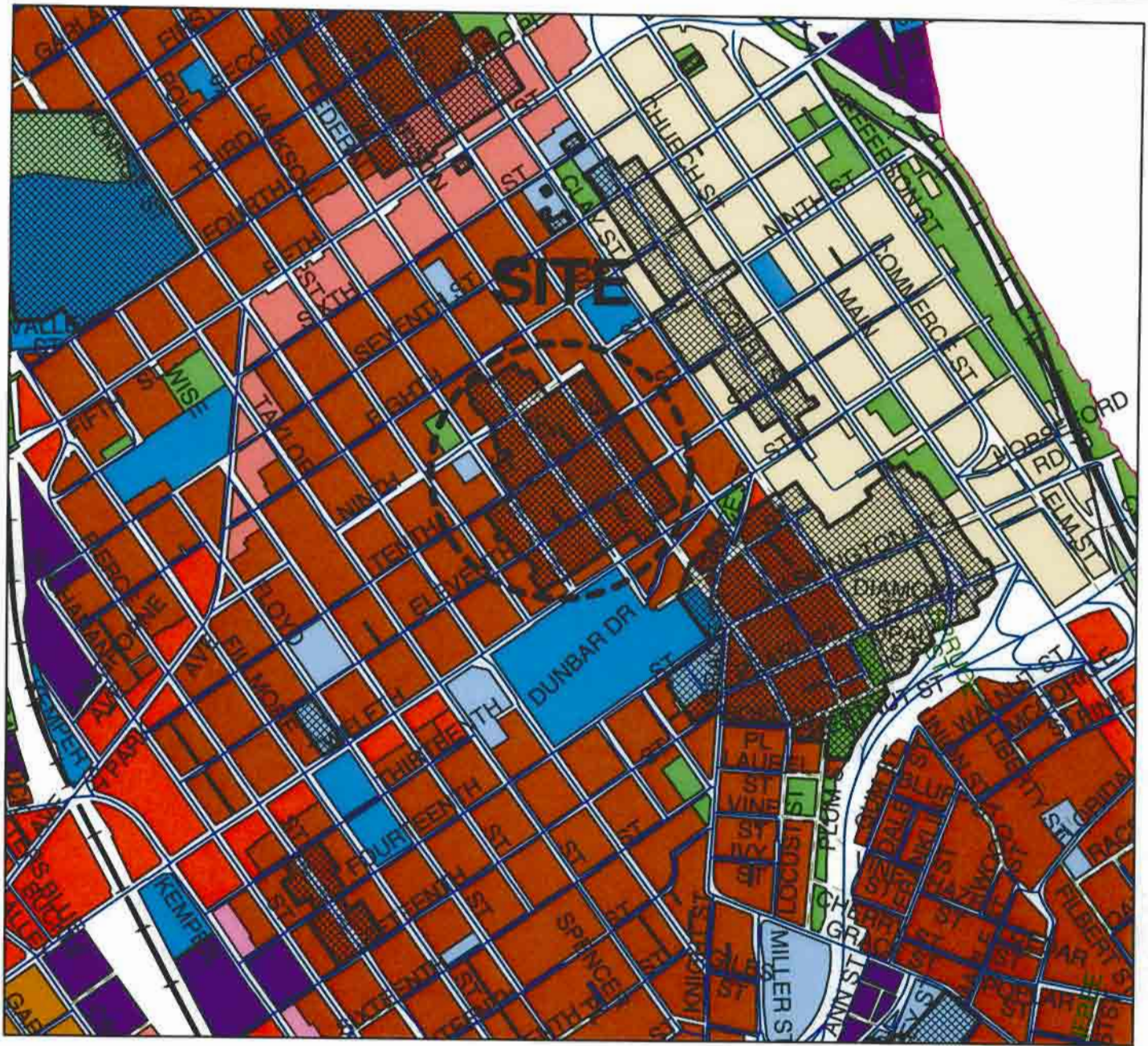


Subject Property



200 ft Radius





FEDERAL HILL HISTORIC DISTRICT LAND USE PLAN



- Public Parks
- Resource Conservation
- Public Use
- Institution
- Downtown
- Office
- Employment 1
- Employment 2
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Traditional Residential
- LocalHistoricDistrict
- MixedLandUse

